

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

GINA BLANTON,

Plaintiff,

v.

No. 1:22-cv-00841-KK

JASON YOUNG,

Defendant.

MEMORANDUM OPINION AND ORDER
TRANSFERRING CASE TO THE DISTRICT OF COLORADO

THIS MATTER comes before the Court on *pro se* Plaintiff's Complaint and Request for Emergency Injunction, Doc. 1, filed November 4, 2022 ("Complaint").

Plaintiff, who resides in Los Lunas, New Mexico, alleges due process violations relating to a child custody case in the State of Colorado. *See* Complaint at 1, 4-5. Plaintiff seeks "Permanent Removal of case 2021DR60 from Morgan County Court CO for Void and Conflict of Interest." Complaint at 8. Plaintiff alleges "violations of mandatory CO state law" and "medical neglect diagnosed by Greeley Hospital." Complaint at 4-5. Defendant resides in Ault, Colorado. *See* Complaint at 2. The Complaint states "Determines this is the proper venue in the interest of justice" but does not explain why venue is proper in the District of New Mexico. Complaint at 1.

The statute governing venue in general states:

Venue in general.--A civil action may be brought in—

(1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located;

(2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated; or

(3) if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court's personal jurisdiction with respect to such action.

28 U.S.C. §1391(b). “The district court of a district in which is filed a case laying venue in the wrong division or district *shall* dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.” 28 U.S.C. § 1406(a) (emphasis added).

The Court concludes that the District of New Mexico is not a proper venue for this case because Defendant does not reside in the District of New Mexico and there are no allegations that any of the events or omissions giving rise to the claim occurred in the District of New Mexico. The Court transfers this case to the District of Colorado because Defendant resides in the District of Colorado and the events or omissions giving rise to this case occurred in the District of Colorado.

IT IS ORDERED that this case is **TRANSFERRED** to the District of Colorado.



K IRTAN KHALSA
UNITED STATES MAGISTRATE JUDGE